



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption is in Compliance with D.N.J.L.BR. 9004-1
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In Re:

STEVEN D. OWENS, SR.

Debtor

Order Filed on August 23, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-27238-ABA

Hearing Date: N/A

Judge: Andrew B. Altenburg Jr.

Chapter: 13

**CONSENT ORDER RESOLVING
CREDITOR, ALLY CAPITAL'S MOTION FOR RELIEF
FROM STAY AND MOTION FOR RELIEF FROM CO-DEBTOR STAY**

The relief set forth on the following page, numbered two (2) through five (5) is hereby ORDERED.

DATED: August 23, 2021



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

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Debtor: Steven D. Owens, Sr.

Case No.: 19-27238-ABA

Caption of Order: CONSENT ORDER RESOLVING CREDITOR, ALLY CAPITAL'S MOTION FOR RELIEF FROM STAY AND MOTION FOR RELIEF FROM CO-DEBTOR STAY

This Consent Order is entered into by and between the Debtor Steven D. Owens, Sr., by and through his counsel, Victor Druziako, Esquire, and the Law Offices of Victor Druziako, PC and Ally Capital, by and through its counsel, Regina Cohen, Esquire and the Law Offices of Lavin, Cedrone, Graver, Boyd & Disipio, in order to resolve Ally Capital's Motion for Relief from Stay and Motion for Relief from Co-Debtor Stay filed with this Court on July 19, 2021.

AND NOW COMES Ally Capital, by and through their counsel, and state as follows:

Steven Owens (the "Debtor") and Renee E. Leonard (the "Co-Debtor") financed the purchase of a 2017 Mitsubishi Outlander, VIN: JA4AZ3A38HZ024598 (the "Vehicle") pursuant to the terms of a Retail Installment Sale Contract dated November 13, 2017 (the "Contract") which has been assigned to Ally Capital.

Pursuant to the Contract, Ally Capital maintains a perfected security interest in and to: (a) the Vehicle; (b) accessories, equipment and replacement parts installed in the Vehicle; and (c) service contracts on the Vehicle.

The Debtor desires to retain possession of the Vehicle and provide adequate protection for Ally Capital's interest in the Vehicle.

It is hereby stipulated and agreed by and between Debtor and Ally Capital as follows:

ORDERED that the Debtor is \$4,816.15 in post-petition arrears through and including the July 28, 2021 due payment. The Debtor acknowledges his account is in post-petition arrears in the amount of \$4,816.15 through and including the July 28, 2021 due payment.

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Debtor: Steven D. Owens, Sr.

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ORDERED that the Debtor shall cure the post-petition arrears in the amount of \$4,816.15 by paying an additional payment of \$802.70 (which, along with the regular contractual payment due in the amount of \$620.61, will result in a total payment of \$1,423.31) monthly for six (6) months commencing with a payment due on or before August 28, 2021 and ending with a payment due on or before January 28, 2022. Said payment shall be forwarded to: Ally Capital, Payment Processing Center, P.O. Box 78234, Phoenix, AZ 85062-8234.

ORDERED that the Debtor shall reimburse Ally Capital the \$500.00 fees and costs of its motion through the Chapter 13 Plan, and Debtor will take the necessary action to effectuate this payment.

ORDERED that the Debtor shall resume making regular monthly contractual payments in the amount of \$620.61 each, commencing with the payment due on or before February 28, 2022. Pursuant to the Contract, a late charge may be assessed for any payment not received in full within ten (10) days after it is due. Said payments shall be forwarded to: Ally Capital, Payment Processing Center, P.O. Box 78234, Phoenix, AZ 85062-8234.

ORDERED that the Debtor shall make the August 28, 2021 cure payment and all future payments on time. Said payments shall be forwarded to: Ally Capital, Payment Processing Center, P.O. Box 78234, Phoenix, AZ 85062-8234.

ORDERED that all payments shall be made payable to Ally Capital and include Debtor's account number.

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ORDERED that the Debtor hereby agrees to maintain insurance coverage in such types and amounts as are required by the Contract until such time as all amounts due Ally Capital under the Contract are paid in full.

ORDERED if Debtor and/or Co-Debtor fail to comply with any of the stipulated terms herein, or if Debtor and/or Co-Debtor fail to make payments within ten (10) days of due date, or if Debtor fails to make trustee payments when due, Ally Capital will give Debtor, Debtor's counsel and Co-Debtor notice by facsimile, first class mail or e-mail. Debtor and/or Co-Debtor will have ten (10) days to bring the account current. If the account is not brought current within the ten (10) day period, Ally Capital may be granted relief from the automatic stay imposed by 11 U.S.C. §362 with respect to the Vehicle as to the Debtor and relief from the Co-Debtor stay imposed by 11 U.S.C. §1301(c) as to the vehicle and Co-Debtor upon filing a Certification of Counsel that Debtor and/or Co-Debtor are in default, together with a proposed Order to the Bankruptcy Court, and serving copies of the same upon the Debtor, Co-Debtor, Debtor's counsel and Chapter 13 Trustee. It is also expressly understood that the notice and cure period provided herein, only applies with respect to Ally Capital's ability to obtain relief from the automatic stay in this bankruptcy case and does not in any way apply to or restrict Ally Capital's ability to pursue its rights pursuant to the Contract.

ORDERED that if for any reason Debtor(s)' case is closed, terminated, dismissed or converted, the parties hereto agree and acknowledge that the terms of this agreed/stipulated order will be null and void and the parties are returned to the status quo with their respective rights under state law and the Contract.

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MOTION FOR RELIEF FROM STAY AND MOTION FOR RELIEF FROM CO-DEBTOR
STAY

ORDERED that this Consent Order may be executed by facsimile and such facsimile signatures shall be deemed as originals.

ORDERED that the signature pages of this Consent Order may be executed in counterpart and all such signature pages, when attached, shall become part of the original Consent Order.

/s/ Regina Cohen

Regina Cohen, Esquire
Attorney for Ally Capital



Victor Druziako, Esquire
Attorneys for Debtor